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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,680	03/15/2004	Ingemar Hessman	024445-459	8654

21839 7590 02/14/2006

BUCHANAN INGERSOLL PC
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EXAMINER

ADDISU, SARA

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Advisory Action Before the Filing of an Appeal Brief	Application No. 10799,680	Applicant(s) HESSMAN ET AL.	
	Examiner Sara Addisu	Art Unit 3722	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☒ Newly proposed or amended claim(s) 16, 18, 19 and 24-29 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-15, 22 and 31.
Claim(s) objected to: 17-21 and 23.
Claim(s) rejected: 16, 24-30 and 32.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER

S.A.
2/8/06

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding Claim 30, Applicant stated (page 10 of Remarks filed 1/23/06, lines 6-11) "...However, Larsson fails to disclose a pair of first and second countersinks, where the second countersinks are smaller than the first countersinks. As shown in Figure 9 of Larsson, the insert appears to be completely symmetrical, i.e., the alleged countersinks are equal in size. As such, Larsson fails to make up for the foregoing deficiencies of DE 4244316. Accordingly, neither DE 4244316 nor f Larsson, in combination or alone, disclose the patentable features of independent Claim 30". Examiner respectfully points out that the Larsson (5,931,613) was not used to teach the shape of the insert but rather the first and second perpendicular linear recesses (3A and 3A') formed on the bottom side of the insert. Larsson was also used to teach forming countersinks due to the formation of flank surfaces (10A and 6A) that will function as support surfaces against the support surfaces of the tool holder ('613, Col. 4, lines 35-38). It would have been obvious to one having ordinary skill in the art to modify the bottom surface of DE 4244316's insert such that it has linear recesses and countersinks as taught by Larsson, for the purpose of having a clamping system which can in an optimal manner absorb both radial and axial cutting forces ('613, Col. 2, lines 3-14). It should be noted that when modifying the bottom surface of DE 4244316's insert with the stabilizing pattern of Larsson, due to DE 4244316 insert's non-symmetrical shape (i.e. the bottom half portion is wider than the top half portion, see Figure c), the countersinks formed would be of different size (i.e. countersinks located on the bottom half would be larger than the ones located on the top half) and the width would increase in the direction towards the cutting edges. Regarding Claim 32, Applicant stated (page 11 of Remarks filed 1/23/06, lines 5-12) "...Rydberg et al. discloses a tool coupling for coupling two tool parts together. However, Rydberg et al. does not pertain to a holder that includes side abutment surfaces for positioning the insert within the pocket, as disclosed in Werner et al. Therefore, one having ordinary skill in the art would not include the stabilizing structure of Rydberg et al. in the cutting insert of Werner et al., because the cutting insert in Werner et al. is designed to operate with a tool holder having complementary abutment surface for positioning the insert therein. In addition, a screw 16 is provided for further preventing rotation within the pocket of the holder". Examiner points out that the instant invention, like Werner et al. has a screw that is provided for further preventing rotation within the pocket of the holder in addition to the stabilizing structure. Additionally, Werner et al. teaches the cutting insert pocket "preferably" includes two side support surfaces (21A and 21B) ('119, Col. 4, lines 14-17), therefore the insert pocket is not limited to having the two side surfaces (i.e. it could exclude these surfaces). Even in the event that the side support surfaces are present, modifying the bottom surface of Werner et al.'s insert with the stabilizing structure taught by Rydberg et al. would provide the tool with further rigidity, precision and ease of assembly leading to an improved surface finish on the machined workpiece ('060, Col. 1, lines 45-51). Examiner also points out that Claim 32 simply claims "stabilizing structure" on the bottom of the insert. The claimed language does not limit the stabilizing structure to having linear recesses and countersinks and reading this language broadly, even the flatness on the bottom of the insert of Werner et al.'s teaching could be considered a "stabilizing structure" since the insert would be more stable with a flat surface when seated in the tool holder as opposed to an uneven bottom surface..

Continuation of 13. Other: It should be noted that if the amendment would have been entered, the rejection of Claims 16, 24-30 and 32 under U.S.C. 102 and 103 were overcome. (this is because the allowable subject matter of Claim 17 is incorporated in independent Claim 16).